

REMARKS

Applicants have cancelled claims 5, 24, 43, 68, 81, 94, and 110-115, amended claims 1, 6, 11, 21, 29, 39, 44, 49, 59, 69, 72, 82, 85, and 116-121, and added new claims 122-124 as set forth above. Applicants note with appreciation the Office's indication claims 110-115 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In view of the above amendments and the following remarks, reconsideration of the outstanding office action is respectfully requested.

The Office has rejected claims 121 under 35 U.S.C. 112, second paragraph, asserting the meaning of claim 121 cannot be reliably determined and for the purpose of examination was interpreted as, "The medium as set forth in claim 94 wherein at least two of the plurality of remanufacturing options are potentially viable for each of the items regardless of the condition of the items." Accordingly, Applicants have amended claim 121 as set forth above which is in accordance with the Office's interpretation. In view of the foregoing amendment and remarks, the Office is respectfully requested to reconsider and withdraw the rejection of claim 121.

The Office has rejected claims 1- 58 under 35 U.S.C. 101 asserting the claims appear to lack a concrete result to support a practical application. The Office asserts the claims recite, "determining a risk priority of each of the items based on the obtained data." The specification appears to teach that the risk priority is determined with a failure mode, effects, and criticality analysis (FMECA), using a subjective process (specification, page 17, lines 10 - 16). The Office asserts a subjective process is not concrete and so the claims appear to lack a concrete result.

Applicants have amended claims 1 and 39 to cancel, "determining a risk priority of each of the items based on the obtained data" which is now in dependent claims 122 and 123 respectively and claim 21 to cancel "a risk priority processing system in the at least one computing device that determines a risk priority of each of the items based on the obtained data" which is now in dependent claim 124.

With respect to new dependent claims 122-124, Applicants respectfully traverse this rejection. First, the Office has taken one word out of context from the passage

cited by the Office on page 17, lines 10-16 in the above-identified patent application which is set forth below:

In this particular embodiment, a failure mode, effects, and criticality analysis (FMECA) is used, although other types of analysis for risk priority can be used depending upon the particular application. FMECA is a systematic approach used to determine the causes, results, and severity of the failure of a system, subsystem and/or component. FMECA allows for a subjective, yet qualitative, evaluation of the frequency and severity of possible failures within in a system, subsystem, and/or component.

As illustrated this passage initially states, “FMECA is a systematic approach . . .”. Webster’s Collegiate Dictionary, Tenth Edition, defines systematic, “a methodical procedure or plan marked by thoroughness and regularity” which is clearly not a subjective process, but one that produces a concrete result. Additionally, subjective is defined as, “relating to the real nature of something” and qualitative is defined, “relating to or expressible in terms of quantity or amount.” Accordingly, the subjective, yet qualitative evaluation is merely stating that something real is being quantified, again not that the process itself is subjective. Thus, when this passage is read in its entirety it is describing a systematic approach, i.e. a methodical, regular, and objective process, that provides a quantified evaluation of something real. Nowhere is there any suggestion of any sort of subjective process that would not produce a repeatable result.

Second, the Office is ignoring the rest of the disclosure in the above-identified patent application which provides further support that the example of the failure mode, effects, and criticality analysis disclosed in the above-identified patent application would produce substantially the same result again. The Office’s attention is respectfully directed to page 17, line 3 to page 21, line 17, along with the associated figures which describe in greater detail one example of the risk priority analysis which provides a useful, tangible, and concrete result. In particular, the Office’s attention is to page 20, lines 28-29 in the above-identified patent application, which states, “In this particular embodiment, the RPN is computed directly as the product of the severity and occurrence ratings.” Additionally, the Office’s attention is respectfully directed to page 20, lines 22-27 in the above-identified patent application which states, “The severity and occurrence ratings are selected based on the criteria stored in tables in remanufacturing processing system 12.” Accordingly, the example of the failure mode, effects, and criticality analysis which is disclosed is obtaining a risk priority analysis by taking product of two ratings that have been selected based on

criteria stored in tables. This is clearly a methodical and repeatable process which would produce substantially the same result again.

Third, even *assuming arguendo* the Office's position, Applicants are neither limited to nor specifically claiming a failure mode, effects, and criticality analysis. Instead, the Office's attention is respectfully directed to page 17, lines 10-12, in the above-identified patent application which recites, "In this particular embodiment, a failure mode, effects, and criticality analysis (FMECA) is used, although other types of analysis for risk priority can be used depending upon the particular application." (Emphasis added). As a result, Applicants are not limited to nor are Applicants claiming in new dependent claim 122-124 a failure mode, effects, and criticality analysis. Instead, Applicants are claiming risk priority processing system or determining a risk priority. By way of example, in the outstanding Office Action the Office has cited to the Onodera reference in support of its rejections as one example of such a risk priority analysis which satisfies the requirements of 365 USC Section 101 and other risk priority analyses are known. Accordingly, in view of all of the foregoing remarks, the Office is respectfully requested to reconsider and withdraw this rejection.

The Office asserts claims 1-2, 4, 7, 11, 13-18, 20-22, 26, 29, 31-36, 38-40, 42, 45, 49, 51-56 and 58 under 35 U.S.C. 103(a) as being unpatentable over Watson (U.S. Patent 6,581,045) in view of Onodera (Onodera, Katsushige; "Effective Techniques of FMEA at Each Life-Cycle Stage", 1997, Proceedings of the Annual Reliability and Maintainability Symposium), claims 3, 23 and 41 under 35 U.S.C. 103(a) as being unpatentable over Watson as modified by Onodera as applied to claims 1 - 2, 4, 7, 11, 13-18, 20-22, 26, 29, 31-36, 38-40, 42, 45, 49, 51-56 and 58 further in view of common knowledge in the art, claims 5 - 6, 12, 24 - 25, 30, 43 - 44, 50 and 116 - 118 under 35 U.S.C. 103(a) as being unpatentable over Watson as modified by Onodera as applied to claims 1- 2, 4, 7, 11, 13 -18, 20 - 22, 26, 29, 31 - 36, 38 - 40, 42, 45, 49, 51 - 56 and 58 above, further in view of MiLStd1629A (MIL-STD-1629A, "Military Standard procedures for performing a failure mode, effects and criticality analysis", 24 November 1980), claims 8 - 9, 27 - 28 and 46 - 47 under 35 U.S.C. 103(a) as being unpatentable over Watson as modified by Onodera as applied to claims 1 - 2, 4, 7, 11, 13 -18, 20 - 22, 26, 29, 31 - 36, 38 - 40, 42, 45, 49, 51 - 56 and 58 above, further in view of Busch (U.S. Patent 6,052,631), claims 10 and 48 under 35 U.S.C. 103(a) as being unpatentable over Watson as modified by Onodera and Busch as applied to claims 8 - 9, 27 - 28 and 46 - 47 above, further in view of common knowledge in the art, claims 19, 37 and 57

under 35 U.S.C. 103(a) as being unpatentable over Watson as modified by Onodera as applied to claims 1-2, 4, 7, 11, 13 - 18, 20 - 22, 26, 29, 31-36, 38-40, 42, 45, 49, 51 - 56 and 58 above, further in view of Lobley (U.S. Patent 6,151,565), claims 107 - 109 under 35 U.S.C. 103(a) as being unpatentable over Watson as modified by Onodera as applied to claims 1-2, 4, 7, 11, 13-18, 20-22, 26, 29, 31-36, 38-40, 42, 45, 49, 51-56 and 58 above, further in view of Partridge (U.S. Patent No. 6,397,992), claims 59-62, 70-75, 83-88 and 96-97 under 35 U.S.C. 103(a) as being unpatentable over Watson (U.S. Patent 6,581,045) in view of Moore (U.S. Patent 5,877,961), claims 63 - 64, 76 - 77 and 89 - 90 under 35 U.S.C. 103(a) as being unpatentable over Watson as modified by Moore as applied to claims 59 - 62, 70 - 75, 83 - 88 and 96 - 97 above, further in view of Onodera (Onodera, Katsushige; "Effective Techniques of FMEA at Each Life-Cycle Stage", 1997, Proceedings of the Annual Reliability and Maintainability Symposium), further in view of Busch (U.S. Patent 6,052,631), claims 65 - 66, 78 - 79 and 91- 92 under 35 U.S.C. 103(a) as being unpatentable over Watson as modified by Moore as applied to claims 59 - 62, 70 - 75, 83 - 88 and 96 - 97 above, further in view of Onodera (Onodera, Katsushige; "Effective Techniques of FMEA at Each Life-Cycle Stage", 1997, Proceedings of the Annual Reliability and Maintainability Symposium), claims 67, 80 and 93 under 35 U.S.C. 103(a) as being unpatentable over Watson as modified by Moore and Onodera as applied to claims 65 - 66, 78 - 79 and 91- 92 above, further in view of MilStd1629A (MIL-STD-1629A, "Military Standard procedures for performing a failure mode, effects and criticality analysis", 24 November 1980), claims 68 - 69, 81 - 82, 94 - 95 and 119 - 121 under 35 U.S.C. 103(a) as being unpatentable over Watson as modified by Moore as applied to claims 59 - 62, 70 - 75, 83 - 88 and 96 - 97 above, further in view of MilStd1629A. Additionally, the Office has objected to claims 110-115 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

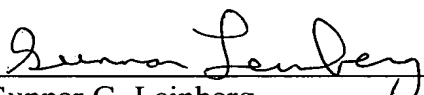
Accordingly, Applicants have amended independent claims 1, 21, 39, 59, 72, and 85 to include allowable dependent claims 110, 111, 112, 113, 114, and 115, respectively, along with any intervening claims as set forth above. Applicants note there was a typographical error in the dependency of claim 111 which should have depended from claim 24, not claim 25 and claim 112 which should have depended from claim 43, not claim 44 to correspond in the same manner as dependent claims 110, 113, 114, and 115 depend from independent claims 1, 59, 72, and 85, respectively. In view of the foregoing amendments and

remarks, the Office is respectfully requested to reconsider and withdraw the outstanding rejections.

In view of all of the foregoing, Applicants submit that this case is in condition for allowance and such allowance is earnestly solicited.

Respectfully submitted,

Date: January 23, 2008

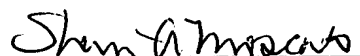

Gunnar G. Leinberg
Registration No. 35,584

NIXON PEABODY LLP
Clinton Square, P.O. Box 31051
Rochester, New York 14603-1051
Telephone: (585) 263-1014
Facsimile: (585) 263-1600

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or being facsimile transmitted to the USPTO at (571) 273-8300.

January 23, 2008
Date


Signature
Sherri A. Moscato
Typed or printed name